

life; to maintain health, and that it would be efficacious for colds in the chest; nervousness, weakness, and all cold conditions of the system that cause consumption, were false and misleading since it would not be efficacious for such purposes. (2) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient including the quantity, kind, and proportion of alcohol that it contained. (3) In that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor. (4) In that it was in package form and did not bear a label containing an accurate statement of the quantity of contents in terms of measure. (5) In that its container was so made, formed, or filled as to be misleading.

On February 10, 1942, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100 and a jail sentence of 6 months. Payment of the fine and the jail sentence were suspended and the defendant was placed on probation for 3 years.

662. Misbranding of SMH Pur-Erb Compound No. 1 and "Helena" Pur-Erb Special No. 3. U. S. v. James M. Odell (Home Treatment Service). Plea of guilty. Fine, \$25. (F. D. C. No. 5578. Sample Nos. 31963-E, 31964-E.)

The labels of both of these products failed to bear adequate directions for use and did contain false and misleading therapeutic claims; and the label for "Helena" Pur-Erb Special No. 3 failed to bear the required quantity of contents and ingredient statements. The label of the SMH Pur-Erb Compound also failed to bear adequate warning statements; it contained representations in certain foreign languages but failed to bear the required quantity of contents and ingredient statements in those foreign languages.

On February 27, 1942, the United States attorney for the Northern District of Illinois filed a libel against James M. Odell trading as Home Treatment Service at Chicago, Ill., alleging shipment on or about December 17, 1940, from the State of Illinois into the State of Indiana of quantities of the above-named products that were misbranded. The articles were labeled in part: "SMH Pur-Erb Compound No. 1 (Formerly Pur-Erb Tonic No. 1) * * * Prepared Only by Pur-Erb Products, Chicago, Ill." and "'Helena' Pur-Erb Special No. 3 * * * Kid-Ne Herb Compound * * * Herbal Health Products * * * Chicago."

Analyses of samples of the articles showed that SMH Pur-Erb Compound consisted essentially of extracts of plant drugs including laxative drugs such as aloes, senna, and cascara sagrada, and water; and that "Helena" Pur-Erb Special consisted essentially of extracts of plant drugs, solid plant material, and water.

SMH Pur-Erb Compound was alleged to be misbranded: (1) In that its label failed to bear adequate directions for use since those on the bottle label were indefinite as to amount. (2) In that the labeling failed to bear adequate warnings against unsafe methods or duration of administration in such manner and form as are necessary for the protection of users since it did not bear a warning that frequent or continued use might result in dependence on laxatives. (3) In that statements in the labeling representing and suggesting that it was efficacious in the treatment of chronic constipation; that it was a health prescription and would improve the general health; that it was an adequate remedy for constipation and colitis; and that it was efficacious in the treatment of serious, stubborn, obstinate or severe cases of constipation or colitis, were false and misleading since it would not be efficacious for such purposes. (4) In that certain information required by the act to appear on the label or labeling was not prominently placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the label contained representations in foreign languages, namely, German, Polish, and Lithuanian, and by reason of said representations, it was labeled to appeal to persons understanding such foreign languages, and the label did not contain in said foreign languages an accurate statement of the quantity of the contents in terms of measure nor did said label bear in said foreign languages the common or usual name of each active ingredient.

"Helena" Pur-Erb Special was alleged to be misbranded: (1) In that the label failed to bear adequate directions for use since those given did not provide a limitation as to frequency and duration of its use. (2) In that the designation "Rx Kid-Ne Herb Compound" and the statements representing or suggesting that it was efficacious as a treatment of diseased conditions of the kidneys; that it was efficacious to overcome sluggish conditions of the genito-urinary system; that it was efficacious in the treatment of scant or excessive flow of urine; that it would be efficacious in the treatment of pains, aches, distresses and disturb-

ances of the water system; that it would alleviate the ills of humanity; and that it would be efficacious in the relief of many ailments, were false and misleading since it would not be efficacious for such purposes. (3) In that it was fabricated from two or more ingredients and its label failed to bear a statement of the common or usual name of each ingredient. (4) In that the label failed to bear an accurate statement of the quantity of contents in terms of measure.

On March 10, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$25.

663. Misbranding of Barkolyn. U. S. v. 9½ Dozen Packages of Barkolyn. Decree of condemnation and destruction. (F. D. C. No. 6586. Sample No. 54362-E.)

This product consisted essentially of extracts of plant drugs including laxatives, and strychnine; and the labeling failed to bear adequate directions for use, adequate warnings for the protection of users, and a statement of the quantity or proportion of strychnine that it contained.

On December 24, 1941, the United States attorney for the Middle District of Pennsylvania filed a libel against 9½ dozen packages of Barkolyn at Lock Haven, Pa., alleging that the article had been shipped in interstate commerce on or about May 30, 1941, by Standard Medicines Co. from Columbus, Ohio; and charging that it was misbranded.

It was alleged to be misbranded: (1) In that the labeling failed to bear adequate directions for use since it was a laxative and the directions appearing on the labeling, which provided for continuous use, were inadequate since, if followed, they might lead to dependence on a laxative; and the directions for use by children were inadequate since they were indefinite. (2) In that the labeling failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or duration of administration, in such manner and form, as are necessary for the protection of users, since it failed to contain a warning that use of a preparation containing strychnine by children and elderly persons might be especially dangerous and since it also failed to contain a warning that a laxative should not be taken when suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis, and that frequent or continued use might result in dependence on laxatives. (3) In that it contained strychnine and its label failed to bear a statement of the quantity or proportion of strychnine that it contained.

On January 31, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

664. Misbranding of Bosak's Horke Vino. U. S. v. 4½ Dozen Bottles of Bosak's Horke Vino. Default decree of condemnation and destruction. (F. D. C. No. 6395. Sample No. 74943-E.)

The labeling of this product failed to bear adequate directions for use and failed to bear a statement revealing the name and quantity of strychnine present in the article and also bore false and misleading therapeutic claims.

On December 17, 1941, the United States attorney for the Southern District of New York filed a libel against 4½ dozen bottles of Bosak's Horke Vino at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 4 and December 3, 1941, by Gold Seal Manufacturing Company from Scranton, Pa.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of small proportions of aloin and strychnine, alcohol, and water.

The article was alleged to be misbranded: (1) In that its labeling did not bear adequate directions for use since it was a laxative preparation and the directions for use were inadequate for a laxative preparation, and in that the directions failed to place a limitation on the period of time for taking the recommended daily dosage. (2) In that the following statements appearing in the labeling, "Nature's Tonic * * * This Tonic has been found a valuable aid in cases of Indigestion, Dyspepsia * * * Nervousness, General Debility, and in other derangements of the digestive organs," and also "These goods are labeled to conform to requirements of New Federal Food, Drug, and Cosmetic Law, which is effective June 25th, 1939," were false and misleading since it was not a tonic, it did not possess natural tonic properties bestowed by nature, it was not a valuable aid in the case of indigestion, dyspepsia, nervousness, general debility, and any other derangements of the digestive organs, and it was not labeled to conform to the requirements of the law. (3) In that strychnine was